

[Rollcall Vote No. 162 Leg.]

YEAS—92

Akaka	Dorgan	Mikulski
Alexander	Dubin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Byrd	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Johnson	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCaskill	Wicker
Dole	McConnell	Wyden
Domenici	Menendez	

NAYS—6

Allard	Craig	Kyl
Coburn	DeMint	Voinovich

NOT VOTING—2

Kennedy	McCain
---------	--------

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table.

The Senator from Florida is recognized.

UNANIMOUS CONSENT REQUEST—S. 2766

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 832, S. 2766, the Clean Boating Act, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Mr. President, reserving the right to object, I ask that the unanimous consent request be modified, that my amendment which is at the desk be agreed to, and that the bill be read a third time and passed.

Mrs. BOXER. Mr. President, reserving the right to object, I think the Senator from Alaska knows full well the amendment she is seeking to attach to our bill, or the substitute she is putting forward, never was approved in the committee of jurisdiction, the EPW Committee.

The committee worked long and hard at getting a compromise. Because of Senator NELSON and Senator MARTINEZ and others, we have a bill at the desk that Senator NELSON tried to get done now that passed our committee by an overwhelming vote.

As a matter of fact, 13 million boaters, 13 million boaters are going to

wake up very unhappy in the morning if Senator MURKOWSKI objects to this bill. Her substitute was never voted on by the committee.

As a matter of fact, the individual she asked to offer an amendment never offered it. There was a reason; this was a delicate compromise.

I object to Senator MURKOWSKI's amendment to the request. I support strongly Senator NELSON's request to move this Clean Boating Act. It means that 13 million recreational boaters will not have to get a permit to discharge their water pollution, and 13 million recreational boaters are counting on us.

I hope Senator NELSON's unanimous consent will be granted.

The PRESIDING OFFICER. Is there objection to the original unanimous consent from the senior Senator from Florida?

Ms. MURKOWSKI. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the evening is getting late, and we have taken some significant action tonight. But I wish to speak for a moment and ask unanimous consent to speak up to 10 minutes on the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Ms. LANDRIEU. Mr. President, we passed, by an overwhelming margin, a supplemental emergency spending bill that will fund our ongoing operations in Iraq and in other parts of the world and will send some money stateside.

In the view of this Senator, we have shortchanged, even with our good effort that was just made, shortchanged some real ongoing serious emergencies here at home.

As far as the gulf coast is concerned, I voted for the bill because I have always believed that half a loaf is better than none.

In the bill, in large measure because of the work of Members on both sides of the aisle, we have a significant amount of money toward the construction of levees that failed and put a great city and region and regions throughout the gulf coast at risk, particularly the New Orleans metropolitan area. I know people get tired of reviewing the details, but less than 3 years ago, several significant levees along the great port system in the city of New Orleans, levees that should have held collapsed, and 80 percent of the city went under water. The water is long gone, but the pain is still there. The rebuilding is still going on. The anxiety of homeowners, renters, small business owners and large business owners, and industrial investors is still there, questioning whether the Federal Government's commitment to not only fix the levees, restore the levees and

bring them up to the standards that were promised decades ago, if that promise is going to be kept.

This bill gets us part of the way there, but we still have an awfully long way to go. In the underlying bill we passed, in large measure crafted by House leadership—and I am disappointed in this view of the House leadership—they put in only a portion of the very critical levee funding that is needed for us to go forward, to restore these levees to 100-year flood protection. I don't know how to explain this, but 100-year flood protection is the bare minimum for the United States. There are a few areas that are enjoying 200- and 300-year flood protection in this country, but very few. Most do not have, as you can tell by the flooding going on now in States such as Missouri and Iowa and parts of Illinois, most places don't have the 100-year protection.

For a reference point, I wish to impress upon my colleagues that this is a minimum standard. The country of the Netherlands, which is so small it could fit inside of Louisiana, a powerful economy but a small nation, has flood protection for its people against storms that happen once every 10,000 years. We, the United States of America, cannot claim that we have flood protection for 99 percent of our people against floods once every 100 years. I am going to say again, as I have said 100 times on this floor, incremental funding, nickles and dimes, a few hundred million here or there, is not going to get the job done. In the long run, it is going to cost the American taxpayer billions and billions of dollars more.

So here we go again, after the flood, after the storm, after the promises, after the speeches, after the lights, after the photographs, the bill is passed, but we do not have the whole amount of money necessary to reconstruct the levees as promised by the President and as spoken to on numerous occasions by many Members of the House and Senate. We do have \$5.8 billion in this bill, \$1.16 billion for the Lake Pontchartrain vicinity which is a long, ongoing project, I think started back in the 1960s. We do have \$920 million in for west bank levee which was started back in the 1960s. We have \$967 million in the southeast Louisiana flood control project that was started in the 1990s. We have \$2.9 billion of flood control and emergency projects, modifying drainage canals, installing pumps, armoring levees, improving protection at the inner harbor canal, federalizing certain non-Federal levees in Plaquemine Parish, the long parish that sits at the toe of the boot in Louisiana, reinforces and replaces floodwalls, repairs and restores floodwalls. The problem is the match that is required because of the House action. The Senate reduced the match required by the State of Louisiana and extended our payment terms. Instead of requiring the State of Louisiana to pay a higher level of 35 percent, the

Senate had suggested, I think wisely, that we revert back to the historic share, which is 25 percent. No one in Louisiana thinks we have to get these projects for free. Everyone in Louisiana understands we have to step up and pay our share. No one is objecting. What we simply asked for was a reasonable share, a historic share, not 35 percent but something like 20 or 25 percent. And most importantly, we had asked that we be allowed to pay it over 30 years.

But, no, under the House version that was very ill-conceived and very poorly thought out, the terms are tougher than historical standards and will require the State to come up with a greater match, 35 percent, and require us to pay it over 3 years.

I submit for the RECORD a letter from the president of Jefferson Parish, Aaron Broussard, a parish now of a half million people, as well as a letter from Bobby Jindal, the Governor of Louisiana. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JEFFERSON PARISH, LOUISIANA,
Jefferson, LA, June 23, 2008.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: We are concerned that language contained in the Emergency Supplemental Appropriations Bill, as passed by the House of Representatives last week, creates an unfair and unacceptable new cost share on the citizens of Jefferson Parish and Orleans Parish and creates a new financial burden that will unduly delay the SELA project and impose significant new risks to Southeast Louisiana.

As you know, the Southeast Louisiana Urban Flood Control Project, SELA, was authorized by WRDA of 1996 to provide for urban flood control in Southeast Louisiana on an expedited basis. The SELA Project has been a true partnership between local governments and the Army Corps of Engineers for over a decade. A major and very important feature of SELA has been a cost share of 75/25. The non-Federal sponsors of SELA have sought and received the approval of the electorate for the revenues needed to meet this 75/25 cost sharing requirement.

Now, without the benefit of legislative hearing or committee oversight, the House of Representatives has unilaterally changed the traditional cost share for the project. This fundamental change in the SELA project will create unprecedented delay in the delivery of the benefits of SELA Project. Specifically:

The change in the cost sharing for SELA from the presently authorized 75/25 to 65/35 equates to an additional \$121M in payments for the SELA sponsors.

This increase will have an impact on the economic recovery of Jefferson Parish as \$50M in new revenue sources must be approved and/or revenues now slated for other recovery work will have to be diverted to SELA.

The impact on Orleans Parish will be even greater as their share of the SELA work will increase by approximately \$70M.

All of these increases are on top of the \$331M that Jefferson Parish has agreed to pay under the presently authorized 75/25 cost sharing.

It will be very difficult, if not impossible, to maintain our construction schedule as the

Administration will undoubtedly request that a new Project Cost Agreement be executed to reflect the higher cost sharing formula. This will in turn, require that Jefferson Parish submit a new financing plan showing adequate capability to meet these increased obligations. We may be forced to seek revenue bonding or seek new revenue sources, such as additional taxes from our citizens. This could further delay the completion of the SELA Project and the delivery of its benefits.

Senator Landrieu, I believe you will agree that the House of Representatives should not be allowed to unilaterally change the cost sharing authorized by WRDA '96 in an Emergency Supplemental Bill without the benefit of hearing, senate committee oversight or conference committee negotiations. In fact, as you know, the Senate Bill had language that maintained the historic cost sharing and directed the Secretary of the Army to use a 30 year pay out so that we could maintain the rapid pace of our recovery from Katrina. Now in light of the House actions, long term financing of the new cost share is the least that will be needed to address this unprecedented new cost share obligation.

I implore the Senate leadership and the Energy and Water Appropriations Subcommittee to retain its language on the Emergency Appropriations Bill and send the amended bill back to the House of Representatives for final passage.

Sincerely,

AARON BROUSSARD,
Parish President.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, LA, June 25, 2008.

Hon. HARRY REID,
Senate Majority Leader, The Capitol, Washington, DC.

Hon. ROBERT BYRD,
Chairman, Committee on Appropriations, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Republican Leader, The Capitol, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, The Capitol, Washington, DC.

DEAR LEADER REID, LEADER MCCONNELL, CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: Our state appreciates the strong support that you have demonstrated for the Gulf Coast victims of Hurricanes Katrina and Rita. The emergency supplemental appropriations bill soon to be considered by the U.S. Senate attempts to fulfill an important commitment to Louisiana—the restoration of the 100-year level of hurricane protection by 2011. I support the inclusion of these funds in the final bill; however, I remain concerned that the goal of the funding is jeopardized by the unprecedented cost share required under the legislation.

As proposed in the House bill, the State of Louisiana would be faced with a \$1.8 billion cost share over the next three years for hurricane protection. This would result in a 4000 percent increase over the state's pre-Katrina contribution toward hurricane protection efforts. As we understand, Louisiana could be faced with paying up to \$1.1 billion in 2010 alone. This is nearly one-third of the state's discretionary budget. Burdening Louisiana with an unprecedented cost share in this compressed time frame will cause irreparable harm to our ongoing recovery efforts and stall our coastal restoration efforts.

The emergency supplemental bill also proposes to increase the overall percentage of funds provided by the state. Under the House proposal, Louisiana's cost share responsibilities would actually increase by over \$200 million above the cost share required under

current law. Considering the extraordinary impact the 2005 hurricanes and the various aspects of recovery ongoing, it is alarming that Congress would choose to require a higher cost share at this time.

As you know, the Senate version of the emergency supplemental allowed Louisiana the opportunity to pay its share of these important hurricane protection efforts over a longer period of time as allowed under current law. The Senate bill also used the traditional cost share requirements that reflect current law.

The Senate is right. Placing this extraordinary burden upon the backs of Louisiana citizens would set back our recovery for years. The large cuts to budgets, services and programs required to make \$1.8 billion available for levees would have a profound impact on Louisiana families across our state.

To be clear, Louisiana is willing to partner with the federal government on these important protection efforts. We are not asking for a waiver. The Senate bill requires our state to pay its share for hurricane protection under reasonable terms and in compliance with current law. I strongly urge you to support our Congressional delegation's efforts to retain the Senate provisions related to hurricane protection. If not possible to include this language in the supplemental, I encourage you to adopt this legislation on its own or through another legislative instrument.

Sincerely,

BOBBY JINDAL,
Governor.

Ms. LANDRIEU. I wish to read part of the Governor's letter:

As proposed in the House bill, the State of Louisiana would be faced with a \$1.8 billion cost share over the next three years for hurricane protection. This would result in a 4000 percent increase [not 4, not 40, not 400] over the state's pre-Katrina contribution toward hurricane protection efforts.

I know it is not the intention of the chairman of the House Appropriations Committee or the Speaker of the House or the majority and minority leaders in the House to make Louisiana pay 4,000 percent more than we were paying before the storm, when we are in an economic situation that is far more challenging than we were before the city and many of our parishes went under water and 1 million people were displaced in the southern part of our State, but that is exactly what they did.

I am going to leave here, along with my colleagues, but I am going to come back and find a way, with the goodwill on the floor of this Senate, working with Republicans and Democrats, to come to some reasonable terms for the people of Louisiana so we can pay a reasonable share and have a longer period to pay it back.

I know we are one Nation and we all have to support each other's projects, but to put this in perspective, many of us here have funded over the last maybe 15 years a project that is rather famous and well known called the big dig in Boston. That project is an eight-lane highway under the city of Boston that extends for 3.5 miles. We all spent money to do it. It cost \$14.8 billion for the big dig. I asked in this supplemental for \$8 billion to help build 200 miles of levee to protect up to 2 million, roughly, people from losing everything they have worked for and their

parents and their grandparents have worked for, because when those levees break, nothing is saved, and insurance does not even begin to cover the cost of what people have lost. We had to be told in this supplemental discussion that we weren't a priority or we needed to wait. It couldn't fit in this bill. Sorry, we couldn't do it. Sorry, we couldn't find the appropriate cost share.

I am happy for projects like the big dig and other projects around the country. I know some people think I am wearing out my welcome, but it is my job to represent the people of my State. I intend to do it as fairly as I can. I have to say, the President was the one who came to Jackson Square. I didn't go to Jackson Square and turn the lights on and make a promise to the American people that these levees would be rebuilt. He did. Then many Members of Congress came down, Republicans and Democrats, and took shots with a lot of people and said they would rebuild these levees. We want to rebuild our levees. We are willing to put up our share. But the people of Louisiana, under no circumstance, can pay a 4,000-percent increase. Under no circumstance can our State come up with \$1.8 billion every year for the next 3 years out of our general fund.

I want to make one more point about the levees. The people on the other side of the levee are not in high-rise condominiums. They are not lying on the beach sunbathing, and they are not frolicking in 2 feet of water for recreational purposes. The people on the other side of these levees are running the greatest port system in North America. They are engaged in fisheries and transportation and oil and gas. They are the men and women who unload the ships that come from all over the world to support the economy of this Nation.

We have work to do when we get back here. I am going to go home for a week. Then I am going to come back, and we are going to work on finding a better way for us to reduce the cost share and extend the time for us to repay our portion so we can get these levees built and give comfort and keep our promise to the people before we have to mark the third anniversary of Katrina, which will be August 29.

We have time, but we don't have a lot of it. It is almost July. The third anniversary will be August 29. I want to put the Senate on notice that I am going to do everything in my power not to allow us to go home for August until some provisions have been made. There are two options. The President can, by executive order, do this. I am asking him to. I am sending him a letter tomorrow asking him to do it. If he doesn't, then every bill that comes to this floor will be subject to an objection by me until this situation is corrected. It is as if you did not give us any levee money, because without us being able to put up a match, the project can't go forward. Some provision will have to be made. I

wanted to go on the record tonight saying I am willing to work toward any compromise that will be reasonable and look forward to doing that when we return.

In addition, there were provisions that the Senate graciously, under Senator BYRD's leadership, had put in this bill to continue to help us with other elements of our recovery. The criminal justice provision was stripped out by the House. The health care provision was stripped out by the House. These amounted to literally a few hundred million dollars in the scheme of things.

It is not a great deal of money, as these bills go, that are hundreds of billions of dollars. But it was important money to the city of New Orleans and the region and to hospitals that have never closed from the time that hurricane swept through and destroyed so much in its path. Oschner Hospital stayed open. West Jeff and East Jeff opened very soon, as soon as they could, and have continued to provide indigent care, losing millions and millions and millions of dollars, and yet cannot get the proper reimbursement necessary because of what they did.

FEMA only provides help to public entities. Oschner is technically not a public entity, but it was the only hospital that stayed open, and the doctors and the nurses did the right thing. All they have been—since doing the right thing—is punished because their board has lost money, money, money, month after month after month. I have pleaded their case on any number of occasions. Senator LEAHY, Senator HARKIN, and others have been very gracious to try to include help. But it seems as though at certain points it always gets stripped out.

So we are going to come back, and I am going to ask again for some health care funding and some criminal justice funding and work with Senator GRASSLEY, Senator HARKIN, Senator McCASKILL, and others to fashion better remedies for the thousands of homeowners in other parts of this country who have also been disappointed by levee systems that should have held and failed, by Federal bureaucracies that promised help and did not show up.

I know only too well the pain that is going on right now in other parts of the country. I have lived this nightmare for 3 years in south Louisiana and in Mississippi, Alabama, and Texas. So we do have some work to do when we get back, and I look forward to working with you and others to accomplish that.

Mr. President, I ask unanimous consent for 2 minutes to extend my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

TRIBUTE TO JUSTICE REVIUS ORTIQUE

Ms. LANDRIEU. Mr. President, I have come to the floor of the Senate tonight to pay tribute to a man who had a significant impact on the civil rights movement in my State and our Nation. Justice Revius O. Ortique, a native New Orleanian, passed away on Sunday, June 22, 2008.

At the height of his long and distinguished career in 1992, he was the first African American elected to the Louisiana Supreme Court. But the road was not easy nor was the path to success clear.

Justice Ortique served his country for 4 years as an Army officer in the Pacific theater during World War II. He returned home as part of a great generation his longtime friend Sybil Morial notes for its "desire to bring about change." He attended college at Dillard University, earned a master's degree in criminology from Indiana University, and then earned a law degree from Southern University.

It was a challenging time, to say the least, to be a young, African-American attorney in our South, but Revius Ortique rose to the challenge with determination to change the landscape for African Americans in our city—helping to desegregate lunch counters and neighborhoods, city halls and corporate boardrooms, throughout Louisiana and the South. He served his community as the president of the Urban League of Greater New Orleans for five terms and was also president of the Community Relations Council, a group of local leaders focused on bridging the racial divide and making our city stronger.

Justice Ortique's efforts to heal the divisions of our community soon garnered rightful national attention. He became president of the National Bar Association in 1959. From that post, he had President Johnson's ear—a direct voice to power, speaking for millions of African-Americans. Moved in some measure by Ortique's urging, President Johnson appointed Thurgood Marshall to be the first African-American U.S. Supreme Court Justice and appointed eight other distinguished African Americans to Federal judgeships.

The first African American to be appointed to the Civil District Court bench in New Orleans, in 1978, Justice Ortique continued to be reelected and later served as chief judge. His friends and colleagues remember him as holding himself and his courtroom to the pinnacle of decorum. He was also an inspiring mentor to many young lawyers and judges. "He really taught you how to be a good lawyer," said Judge Michael G. Bagneris, who serves on the Civil District Court in New Orleans. "He always instilled in young lawyers that they had to show respect for the court." It is a respect Justice Ortique earned through his demonstrated wisdom on the bench and the gentlemanly standards he held.

Justice Ortique was elected to the Louisiana Supreme Court in 1992 but